

A meeting of the Jasper County Plan Commission was held Monday, July 25, 2016 at 7:00 pm in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Gerrit DeVries, Jim Martin, Sandra Putt, Jim Walstra, John Korniak, Todd Peterson, Vince Urbano and Justin Rodibaugh. Also present: Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent were: Bryan Overstreet and Todd Sammons.

Meeting was called to order by Board President Sandra Putt. The first order of business was the call for approval of the June 2016 minutes.

John Korniak made the motion to approve the June 2016 minutes. Motion was seconded by Jim Walstra and carried unanimously.

Subdivision

Cause#PC-6-16

Applicant: Jose DeJesus Lopez-Trejo and Leticia Robles
Location: Sec.6-30-7 – Union Twp. - 400N. W. of 1100W. N-side
Use: 2-Lot Sub'd.

Public hearing held pursuant to notice July 5, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Leticia Robles was present and stated that they bought the property a couple of years ago to leave to their 2 children some day. They would like to subdivide the property into a 2-lot subdivision and build a manufactured home on the vacant lot some day.

Sandra Putt asked if anyone present had any opposition to the application. There was none.

Vince Urbano asked if the lots meet the frontage and acreage requirements?

Mary Scheurich replied that the property is zoned R1 and they do meet the requirements for that zoning (150ft. of road frontage and 1 acre lots).

Jim Walstra made the motion to grant primary approval for the 2-lot subdivision. Motion was seconded by John Korniak.

Sandra Putt stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Subdivision 9.15 (7)(b)(i) through (v). She then read the Findings of Facts.

- i. The subdivision of land is consistent with the Jasper County Comprehensive Plan.
- ii. The subdivision of land satisfies the development requirements of Article

- 6: Subdivision Types.
- iii. The subdivision of land satisfies the standards of Article 7: Design Standards.
 - iv. The subdivision of land satisfies any other applicable provision of the Unified Development Ordinance;
 - v. The subdivision of land satisfies the construction requirements of the Jasper County's Construction Standards.

Jim Walstra made the motion to approve the Findings of Facts. Motion was seconded by Jim Martin and carried unanimously.

Rezone

Cause#PC-7-16

Landowner: Andrew Pitstick

Location: Sec.19-30-6 – Union Twp. - Hwy 231 N. of St.Rd. 14 W-side

Use: Rezone GC to A1

Public hearing held pursuant to notice July 5, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Andy Pitstick was present and stated that he bought 10 acres a few months ago with the intentions of putting some swine on the property. He did not realize when he purchased the property that it was zoned Commercial. When he came into the Planning and Development Office he was told that he would not be allowed to have animals located on the property because of what the property is zoned. To the best of his knowledge that property has always been used as a hog market/hog building. There are currently swine on the property; again he was not aware that he would not be allowed to have the animals there since that is what that building was used for. He plans to fence in the back 6 acres for some of the animals and farrow approximately 20 sows at a time in the existing building up front. When the baby pigs are approximately 2 or 3 weeks old he will move them to his farm in Goodland. There will not be any liquid manure there; it will all be bedded pigs. There will be no manure pits. The dry bedding will be hauled out and spread onto a farm field as fertilizer. He is requesting to rezone the property back to A1 so he can have the animals on the property. He is planning on having 180 gilt's and 10 boars on the property. He brought all of what he intends on having there so he can keep a close herd since he is not allowed to use antibiotic's, so he is trying to limit bringing in new animals and have disease issue's. He does not intend on getting any bigger so he does not have to have a confined feeding operation permit.

Vince Urbano asked if the property was zoned Agricultural in the past.

Mary Scheurich replied that it was zoned S1 which was suburban residential back in the 60's. In the early 70's it was rezoned to road side business. That was for the

purpose of the diesel trucking company, but they rezoned both properties back then.

Gerrit DeVries asked how long has the building been vacant from animals.

The board members stated that there have been animals in and out of there for several years, but thinks it's been vacant for a couple of years now. The property was used for a loading and unloading of animals that were in an out in a day or so. The animals did not stay there longer than a couple days at a time.

Andy Pitstick stated that since there will be some animals outside in the back of the property and some in the front building that they will not have the smell like a normal confinement does. He wants to be respectful to the neighbors and do what is right.

Sandra Putt asked if anyone present had any opposition to the application.

Frank Newton was present and asked if Mr. Pitstick plans on doing any improvements to the property since it looks a little run down.

Andy Pitstick replied that they plan on putting a new roof on the building and redoing the doors for ventilation.

Tom Mathis was present and stated that Mr. Pitstick stated that the property was zoned commercial and he is wanting to know when did that property become commercial?

Mary Scheurich replied that the property was rezoned to commercial in the early 1970's. It started out road side business and when they updated the UDO (code book), we no longer had road side business zone so it became GC (the equivalent to road side business zone).

Tom Mathis asked if Mr. Pitstick was to get approval of the rezone would he comply with the developmental standards for that particular area for 200 swine?

Mary Scheurich replied that if he was to obtain approval for the rezone he will not comply with the Keeping of animals standards, which states they need 0.1 acre per animal.

Todd Peterson replied that he could only have 100 animals with the standards requirements in the A1 zoning.

Andy Pitstick asked if there was a different zoning where he could have more animals on the property.

Mary Scheurich replied in the negative. She stated that she feels for a confined feeding operation that rule does not apply with "Keeping of the animal's standards."

Gerrett Dobson was present and asked if a confined feeding operation building has to be 1000 ft. away from the property lines. There are different rules for the level of Confinement correct?

Mary Scheurich replied affirmatively. With any confinement operations they need to have IDEM approval.

John Korniak asked to be considered as a level 1 confinement they would have over 600 head of swine.

Mary Scheurich replied affirmatively.

Marcus Davis was present and stated that the current UDO states that 199-600 animals for a level 1 confined feeding operation and if that's the case then wouldn't he have to abide by the building set-backs as well.

Vince Urbano stated that he feels the property should be A1 since there is farmland in the area.

Marcus Davis replied that there are several business's in the proposed area, so you could say the same thing about it staying GC verses A1.

John Korniak stated that there are lagoons on the property.

Tom Mathis stated that we need to make this area a conforming area instead of a nonconforming area. We have to adhere to the rules that are in the UDO.

Marcus Davis stated that since he is not zoned correctly to have the animals on the property he feels that the animals should be off of the property within 24-48 hours and not back on the property until the zoning is correct.

Andy Pitstick replied that he would not have brought the pigs on the property if he knew the zoning was incorrect. He wants to get some of the animals out of the barn and into a fenced in area because it is not good for all them to be together when it's this hot. He is in the process of putting up a Post Frame Structure for the animals to go in and out of.

Jim Martin asked if they were to approve the rezone would there still be an issue of the building set-backs which he would have to go before the Board of Zoning Appeals correct.

Mary Scheurich replied affirmatively. The question seems to be is it or is not a confined feeding operation?

Gerrit DeVries stated that the property has never been used as a confined feeding operation but only as a hog market.

Mary Scheurich replied affirmatively.

Andy Pitstick asked if he does everything that he is suppose to do for it to be rezoned to A1 then what would be the reason to not rezone the property.

Some of the board members have stated that the application that is here before them is a rezone application, not an application for a confined feeding operation.

Jim Walstra made the motion to continue the application until the next meeting date on August 22, 2016 at 7:00 pm., so they can look into this further and have our Attorney be present. He also gives Mr. Pitstick permission to keep the animals there until the next meeting. Motion was seconded by Vince Urbano and carried unanimously.

Rezone

Cause#PC-8-16

Applicant: James Kreiger/Prairie Creek Ag Lands LLC

Location: Sec.4-32-6 – Wheatfield Twp. - 300W. & 400W. S. of 1700N.

Use: Rezone R1 to A1 - Proposed Sand Mining

Public hearing held pursuant to notice July 15, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Attorney Russell Bailey was present and stated that he is representing the applicant. There is a total of 317 acres of property that Mr. Kreiger owns. There is currently R1 zoning on the property that they are requesting to rezone back to the A1 zoning district. The reason some of the property is zoned R1 is because there was a previous application for a proposed subdivision that never obtained final approval. They are requesting to rezone the remaining acreage back to A1 for the purpose of sand mining the hill tops. They are in the process of working with the Indiana Department of Natural Resources for the archaeology division. Since there is a burial site located on this property they will need to obtain the proper permits from the DNR as well. They have attached a letter from the Department of the Army Corporation of Engineers stating what they are proposing to do. This does not interfere with the Hodge Ditch that is located on the property. They are not filling in the wetlands area.

Gerrit DeVries asked if you could explain to us what the particular intent is for you to be sand mining. How deep are you going and how far across are you going?

Attorney Bailey replied that the sand that is in the flood plain areas will not be removed. The sand will be removed 2 feet above base flood elevation. Some of the hills elevation levels could go down to 4 feet in size.

Jim Martin asked how much of the property is being farmed.

James Kreiger replied that all of the property is tillable except for the sand knobs.

Gerrit DeVries asked what his intent for was for this property.

James Kreiger replied that he plans to farm it. He wants to level the property and then run an irrigator on it.

Gerrit DeVries replied that you are not really wanting to open up a sand mining business.

James Kreiger replied that no he is not wanting to open a sand mining business.

Sandra Putt asked if anyone present had any opposition to the application.

Bernard Seegers was present and stated that he was in the Planning and Development Office earlier today and presented them with some artifact pictures that have been found on the property. He stated that he can not take four feet off the hill because he will move all the artifacts that are located there. According to the preservation of artifacts you can not do that. This is the Grand Kankakee marsh, why are you going to let him destroy the Grand Kankakee Marsh history?

Attorney Bailey replied that like he has stated previously that we are working with the Indiana Department of archaeology division as there is a documented site in the proposed location. The rezone is subject to their permitting process. There wouldn't be any destruction in the burial grounds because they will make sure the proper permits will be received.

Hans Markland was present and stated that he is a farmer in the county. He owns a piece of land next to Mr. Kreiger and what he says is not necessarily what he is going to do. Mr. Kreiger had come before the Board of Zoning Appeals years ago for a hunting club and obtained approval on some misspoken facts that Mr. Kreiger gave. He asked Kelli Standish to bring a copy of the Writ of Certiorari that is against Mr. Kreiger's hunting club. Mr. Kreiger has ignored the court order in regards to the gun club. He is concerned about what the proposed trucks will do to the roads if they get the sand mining approval. He wanted to know if you have notified the Indian Tribes? There are laws about notifying people. Do you have an archaeological survey to see how many artifacts or burials are on this property?

Gail Short was present and stated that she agrees with what has been said about the artifacts and the burials, but she is also concerned about their water level.

Frank Newton was present and stated that he hasn't seen any letters from the DNR or IDEM and he would like to see evidence that they talked to them other than them saying that they have.

Vince Urbano replied that there are letters from the DNR and Department of the Army Corporation in regards to the proposed application.

Mary Scheurich stated that the archaeology states the Indiana Codes that they have to abide by.

Hans Markland asked if they had 100 year flood elevation on the map they are showing the board members.

Attorney Bailey replied affirmatively.

Hans Markland replied that he wanted to make one thing clear that the Engis camp??? they denied the scuba gear to gather their food there, they fished and hunted there. They buried their ancestors there above the water level, they did not bury them below the water level. So when you say you are just going to take the top off that's where the artifacts are.

Attorney Bailey replied that he has been in contact with the State of Indiana in regards to the archeology survey and he has not yet received them. They will be working with them to do the proper permitting and the required statutes.

Sandra Putt stated that she was presented with a couple letters from Bernard Seeger's regarding his concerns. She then passed them around for the board members to read.

Vince Urbano asked Bernard Seeger's in the pictures you presented to the board you can see the bones from a body, are those still on the ground or did they remove them from the property?

Bernard Seeger's replied that the bones from the bodies that were found on the property have been reburied in the cemetery that is located on one of the sand hills on this property.

Gerrit DeVries asked why can't they scrap sand off in an R1 zoning? Subdivision's do it all the time when they are developing their lots.

Mary Scheurich replied that is allowed when they are developing the subdivision. What Mr. Kreiger is doing is sand mining because he will be selling the sand.

Todd Peterson stated that the sand mining part is not what the Plan Commission is approving, but rather if the property should remain R1 or be rezoned back to A1.

Gerrit DeVries stated that if the property does get rezoned back to A1 and they do obtain approval for sand mining and artifacts are removed he would like to see proof that any state entity has given approval that this has been taken care of.

Justin Rodibaugh asked when was the property rezoned to R1?

Mary Scheurich replied that it was rezoned around 2005 and for the purpose of subdividing it into a residential subdivision.

Gerrit DeVries made the motion to continue the rezone application to the September 26, 2016 meeting at 7:00pm., so the applicant can come back to the board with documentation that this has been cleared/surveyed by the DNR (archeology division) and more information. He would like the DNR to present at the next meeting. Motion was seconded by Justin Rodibaugh and carried with a vote of seven members in favor and Todd Peterson opposed.

Amendment

Cause#PC-3-16

Applicant: Amendment to the Codes of Jasper County Flood Maps

Public hearing held pursuant to notice May 13, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Mary Scheurich stated that she does not have any more information for the board members so she is asking for the board to continue the application until the next regular meeting.

Vince Urbano made the motion to continue the application to the next regularly scheduled meeting on August 22, 2016 at 7:00pm. Motion was seconded by Jim Walstra and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Sandra Putt, President